

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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TRAVELERS CASUALTY AND SURETY COMPANY  
as Administrator for RELIANCE INSURANCE COMPANY,

Plaintiff,

vs.

Case No.  
07-CV-6915 (DLC)

DORMITORY AUTHORITY – STATE OF NEW YORK,  
TDX CONSTRUCTION CORP. and KOHN PEDERSEN  
FOX ASSOCIATES, P.C.,

Defendants.

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DORMITORY AUTHORITY – STATE OF NEW YORK, et. al,

**ECF CASE**

**NOTICE OF MOTION**

Third-Party Plaintiffs,

vs.

TRATAROS CONSTRUCTION, INC.,

Third-Party Defendant.

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TRATAROS CONSTRUCTION, INC., et. al,

Fourth-Party Plaintiffs,

vs.

CAROLINA CASUALTY INSURANCE COMPANY; et. al,

Fourth-Party Defendants.

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**PLEASE TAKE NOTICE**, that upon the annexed affidavit of S. Dwight Stephens, sworn to August 6, 2008, the exhibits annexed thereto, the affidavit of Priscilla May, sworn to August 6, 2008, and the accompanying Memorandum of Law, Fourth-Party Defendant Zurich American Insurance Company (“Zurich”) will move this Court, Hon. Denise L. Cote, U.S.D.J., at the United States District Courthouse, Southern District of New York, 500 Pearl Street, New York, New York on the date and time determined by the Court, for an order (i) granting Zurich’s motion, pursuant to Federal Rule of Civil Procedure (“FRCP”) 21, to add Assurance Company of

America ("Assurance") as a fourth-party defendant to the action herein, (ii) granting Zurich and Assurance summary judgment, pursuant to FRCP 56, and issuing a declaration that Fourth-Party Plaintiffs Travelers Casualty and Surety Company ("Travelers") and Trataros Construction, Inc. ("Trataros") are not entitled to liability insurance coverage under the liability policies Zurich issued to Trataros and Assurance issued to Bartec on the ground that they breached the notice conditions in the applicable policies; and (iii) granting such other and further legal and/or equitable relief as the Court deems appropriate under the circumstances.

Dated: New York, New York  
August 7, 2008

Yours, etc.,

MELITO & ADOLFSSEN P.C.

By: 

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S. Dwight Stephens  
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(212) 238-8900  
*Attorneys for Fourth-Party Defendant  
Zurich American Insurance Company*

TO: All counsel

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